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Prosecutor Karim A. A. Khan, KC

Office of the Prosecutor

International Criminal Court

Oude Waalsdorperweg 10

2597 AK Den Haag

The Netherlands

Sent via email

October 13, 2023

Dear Prosecutor Khan,

I write to ask you to issue urgently a public statement regarding the mandate of the International Criminal Court (ICC) as to the current hostilities between Palestinian armed groups and Israel, in addition to your Office's responses to the media.

We recognize that, as a matter of policy, the Office of the Prosecutor is no longer issuing what had been called "preventative statements." At the same time, I urge you to consider, across the court's docket, when and how the ICC prosecutor's public voice may hold unique value.

The stakes for civilians in the current hostilities are extremely high. While any statement you make would no doubt be made in general terms rather than specific to any particular incidents, it is clear that horrific violations of international humanitarian law that amount to war crimes have been carried out by different parties.

Your statement would serve to remind all parties of your Office's ongoing investigation, of their obligations under international criminal law and international humanitarian law, and of the court's jurisdiction by virtue

of Palestine's accession to the Rome Statute. Your statement could also signal the Office's willingness to expand investigations into any alleged crimes that fall within that jurisdiction.

Beyond any potential deterrent value, we also believe that the ICC prosecutor's voice will carry weight in ensuring that support for justice is inserted and maintained in international responses from the earliest point onward in these hostilities. It would also remind all governments of the importance of underlining respect for international humanitarian law in their public statements around the conflict. We know how challenging it is to develop a political consensus to support impartial accountability, and yet how crucial that is for the court's delivery of justice. Public statements by the Office have been effective in marshalling support for the central role of the ICC.

Accountability is a key element in ending impunity-fueled repression and cycles of bloodshed around the world. Ensuring that the ICC's critical role is recognized will send an important message not only to would-be perpetrators, but, importantly, also to victims and survivors.

Finally, as you are no doubt aware, in many places around the world, impunity for grave abuses committed in the Israeli-Palestinian conflict over many years is seen as proof positive that there are double standards at work with respect to international justice. In this context, we believe your Office has an important role to play.

Many thanks for your consideration, and we remain available to discuss at any point.

Yours truly,

A handwritten signature in black ink, appearing to read 'TIRANA HASSAN', with a horizontal line above it.

Tirana Hassan
Executive Director